

Pollution Control Hearings Board
Shorelines Hearings Board
Forest Practices Appeals Board
Hydraulic Appeals Board
Environmental and Land Use Hearings Board



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STATE OF WASHINGTON
ENVIRONMENTAL HEARINGS OFFICE

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DEPARTMENT OF ECOLOGY

JAN 09 2008

WATER QUALITY PROGRAM

January 8, 2008

Frank M. Hruban
Assistant Attorney General
WSU
PO Box 641031
Pullman WA 991164-1031

Ronald L. Lavigne & Thomas J. Young
Assistant Attorney's General
Department of Ecology
PO Box 40117
Olympia WA 98504-0117

RE: PCHB NO 07-025 & 058
WSU v. ECOLOGY

Dear Parties:

Enclosed is a Stipulation and Agreed Order of Dismissal, thereby canceling any further proceedings in this matter.

Sincerely yours,

William H. Lynch, Presiding

WHL/jg/P 07-0925

Enc.

Cc: Kathleen Emmett

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid to the attorneys of record herein.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED Jan 8, 2008 at Lacey, WA

DEPARTMENT OF ECOLOGY
JAN 09 2008
WATER QUALITY PROGRAM

**POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON**

WASHINGTON STATE UNIVERSITY,

Appellant,

v

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent.

PCHB Nos 07-025 & 07-058

**STIPULATION AND AGREED
ORDER OF DISMISSAL**

COMES NOW Appellant, Washington State University (WSU), by and through its attorneys, Robert M. McKenna, Attorney General, and Frank M. Hruban, Assistant Attorney General, and Respondent, State of Washington, Department of Ecology (Ecology), by and through its attorneys, Robert M. McKenna, Attorney General, and Thomas J. Young, Assistant Attorney General, and agree to the entry of this Stipulation and Agreed Order of Dismissal in the form attached

I. RECITALS

1. On or about January 17, 2007, Ecology issued the Eastern and Western Washington Phase II Municipal Stormwater Permits.

2. On or about February 15, 2007, WSU appealed certain aspects of the Eastern Washington Phase II Municipal Stormwater Permit

1 3 On or about April 19, 2007, Ecology issued Permit No. WAR04-6700 granting
2 Phase II Municipal Stormwater Permit coverage to each of the WSU campuses at Pullman,
3 Spokane, Vancouver, and Tri-Cities.

4 4 On or about May 15, 2007, WSU appealed Ecology's issuance of Permit No.
5 WAR04-6700

6 5 Since issuing the Phase II Municipal Stormwater Permits, Ecology has completed a
7 portion of the Total Maximum Daily Load studies concerning water quality in and near
8 Pullman.

9 6 Both Ecology and WSU are committed to effective regulation of municipal
10 stormwater in the Palouse Basin to include the South Fork of the Palouse River and Paradise
11 Creek, which both originate in Idaho before entering Washington and Pullman

12 7 This Stipulation is intended to resolve WSU's appeals of the Phase II Municipal
13 Stormwater Permits and Permit No. WAR04-6700 as described in PCHB Nos. 07-025 and
14 07-058.

15 **II. STIPULATION**

16 1 The parties stipulate that Ecology will support WSU's individual efforts and any
17 collective efforts of WSU and other institutions of higher education to obtain funding from the
18 Legislature for Phase II Municipal Stormwater Permit compliance costs.

19 2 The parties also stipulate that the dismissal of PCHB Nos. 07-025 and 07-058 will
20 not impact PCHB No. 07-023, the appeal to which the City of Pullman is a party, and the
21 issues raised in that appeal. The parties further stipulate that should the PCHB No. 07-023
22 Appellants receive any relief or benefit as a result of their appeal of the Phase II Municipal
23 Stormwater Permit, WSU will receive the corresponding relief or benefit as a secondary
24 permittee or co-permittee

25 3 The undersigned representatives for WSU and Ecology certify that they are
26 fully authorized by the party whom they represent to enter into the terms and conditions of

1 this Stipulation and Agreed Order of Dismissal and legally to bind such party thereto.
2 Ecology and WSU consent to the submission of this Stipulation and Agreed Order of
3 Dismissal to the Pollution Control Hearings Board for approval and entry.

4 RESPECTFULLY SUBMITTED this 3 day of December, 2007.

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6 STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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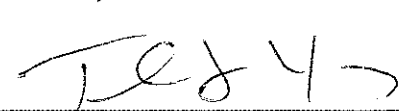
8 DAVE PEELER
9 Water Quality Program Manager

STATE OF WASHINGTON
WASHINGTON STATE UNIVERSITY



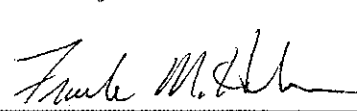
GREG ROYER
Vice President for Business and Finance

10
11
12 ROBERT M. MCKENNA
13 Attorney General

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15 THOMAS J. YOUNG, WSBA #17366
16 Assistant Attorney General
17 Attorneys for Respondent
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(360) 586-4608

ROBERT M. MCKENNA
Attorney General



FRANK M. HRUBAN, WSBA#35258
Assistant Attorney General
Attorneys for Appellant
Washington State University
(509) 335-2636

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1 **AGREED ORDER OF DISMISSAL**

2 Having reviewed the foregoing Stipulation and the file and pleadings herein, and it
3 appearing that the parties have reached an agreement, it is

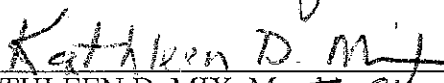
4 ^{CONF.}
HEREBY ORDERED that the foregoing Stipulation is entered as ~~an Order of this~~
5 ~~Board~~ and these cases, *Washington State University v. Ecology*, PCHB 07-025 and PCHB
6 07-058, are hereby DISMISSED with prejudice and without costs or attorneys fees.

7 DATED this 8th day of January 2008

8 **POLLUTION CONTROL HEARINGS BOARD**


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10 
11 WILLIAM H LYNCH, Presiding

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13 ANDREA MCNAMARA DOYLE, Member

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15 KATHLEEN D MIX, Member Chair

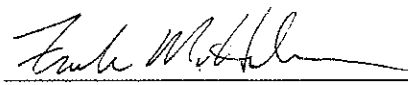
16 Presented by:

17
18 ROBERT M. MCKENNA
19 Attorney General

20 
21 THOMAS J. YOUNG, WSBA #17366
22 Assistant Attorney General
23 Attorneys for Respondent
24 Department of Ecology
25 (360) 586-4608
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Approved as to form; Notice of
Presentation Waived:

ROBERT M. MCKENNA
Attorney General

20 
21 FRANK M HRUBAN, WSBA #35258
22 Assistant Attorney General
23 Attorneys for Appellant
24 Washington State University
25 (509) 335-2636
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